



TOWN OF SURFSIDE, FLORIDA
Town Commission Meeting
9293 Harding Avenue
Surfside, FL 33154
Tuesday, May 13, 2008
7:00 p.m.

Mayor Charles W. Burkett
Vice Mayor Marc Imberman
Commissioner Elizabeth Calderon
Commissioner Steve Levine
Commissioner Howard S. Weinberg

Town Manager Gary L. Word
Town Attorney Lynn M. Dannheisser
Town Clerk Beatris M. Arguelles, CMC

MINUTES

On Tuesday, May 13, 2008 at 7:00 p.m., the Town of Surfside Commission met in regular Session in the Commission Chambers at Town Hall at 9293 Harding Avenue in Surfside.

1. OPENING:

1.A CALL TO ORDER/ROLL CALL OF MEMBERS: Mayor Charles Burkett called the meeting to order at 7:47 p.m. In addition to the Mayor, the following Commissioners were present: Vice Mayor Marc Imberman, Commissioner Elizabeth Calderon, Commissioner Steven Levine and Commissioner Howard S. Weinberg. Also present were Town Manager Gary L. Word, Town Attorney Lynn M. Dannheisser, Police Chief Dave Allen and Town Clerk Beatris M. Arguelles.

1.B PLEDGE OF ALLEGIANCE / INVOCATION: Police Chief Dave Allen led the pledge.

1.C ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals):

1.D APPROVAL OF THE MINUTES: [TAB 1D]

Approval of the **February 12, 2008 and March 11, 2008** minutes was deferred at the request of the Town Clerk.

Vice Mayor Imberman moved approval of the **March 19, March 25 and April 8, 2008** minutes in tandem. Commissioner Levine seconded the motion, which carried unanimously.

1.E SPECIAL PRESENTATIONS:

1E1 OFFICER OF THE MONTH Chief Allen presented the Award for the month of April to Lesmes Ruiz.

1E2 PROCLAMATION HONORING BENNETT BRUMMER – Carlos Martinez, Public Defender-Elect announced the requirement of Bennett

Brummer from his post as Public Defender. The Mayor read a proclamation in recognizing Mr. Brummer's outstanding Achievements during his tenure as Public Defender.

1E3 STATE ATTORNEY'S OFFICE – Leonardo Mendez, Public Information Officer Miami-Dade County State Attorney's Office, 11th Judicial Circuit made a presentation regarding the various services provided by the SAO to the community.

1E4 PARKING – Saul Frances, City of Miami Beach Parking director gave a presentation regarding the City of Miami Beach's residential parking program and the steps the Town must take in order to implement a similar program in the Town of Surfside

2. QUASI-JUDICIAL ITEMS: None

3. PUBLIC HEARINGS/ORDINANCES FOR SECOND READING:

3.A ZONING CODE ORDINANCE – The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF SURFSIDE, FLORIDA BY REPEALING AND REPLACING CHAPTER 90 ENTITLED "ZONING" IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 90 ENTITLED "ZONING" INCLUDING ADOPTION OF AN OFFICIAL TOWN ZONING MAP FOR ALL DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Imberman moved to adopt the Ordinance. Commissioner Calderon seconded the motion.

The Town Planner gave an overview of the code as a result of the Planning and Zoning Board recommended changes. She noted the following amendments: 1. The minimum lot width in the H120 district is changed to 150 feet. 2. In the H120 district, when a building exceeds a height of thirty (30) feet, the width of each side yard shall be increased by one (1) foot for every three (3) feet of building height above thirty (30) feet, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed twenty (20) feet 3. In Section 90.81, strike the entire Shared Parking section and 4. Section 90.95 (2) strike "East of Harding Avenue."

The Mayor opened the public hearing. The following persons addressed the Commission:

Tucker Gibbs, Representing the Waves and the Azure Condominiums, opposing the issue of Hotels as presented in the Code. Expressing concerns that the new code would allow hotels to expand. He asked the Commission to consider not

approving the Hotels issue until such time as his planner has had an opportunity to review the impact to the surrounding properties.

Silvia Coltrain, disagreed with Mr. Gibbs' request, noting that there have been eight public hearings on the zoning code and it would be unfair to those who have been waiting for the Code to be passed in order to bring projects to the Town.

Jim Skinner, asked that the matter be deferred for 60 days to allow more time for the public to review the new code.

Alan Yarkin, expressed concern with Hotels on the beach, noting that the code must focus on requirements that the residents would not find objectionable.

Richard Iacobacci, urged the Commission to move forward with approval of the proposed code.

Dr. Gene Martelis, expressed concern that the residents of the Waves Condominium were not given a copy of the code to review. He expressed concern over parking. He asked for additional time to review whether or not the issues of parking and other restrictions for hotels are addressed in the Code.

Martha Olchyk, disagreed with allowing hotels and urged that the Town be kept the same as it has been. She opined that allowing hotels would be detrimental to the community.

Jose Carroso, urged the Commission to approve the new code, citing that should nothing be done, hotels would still be allowed on the west side of Collins. He stated there is a misconception that Hotels are not currently allowed. Under existing codes, hotels are allowed.

Daniel Dietch, urged the Commission to approve the code noting that the community has had ample opportunity to attend meetings and make the opinion known, prior to this hearing.

The Commission discussed the Code during which there was lengthy discussion regarding potentially removing the Hotel component from the Code and reverting back to the current code. It subsequently was agreed by a majority of the Commission that the Planning and Zoning Board would look at the Hotel issue and possibly recommend additional changes to the Code with regard to where Hotels would be allowed in the Town.

The question was called and the motion to adopt the Code as presented by the Town Planner and incorporating the Changes recommended by the Planner, passed 4-1 with Mayor Burkett Dissenting.

4. ORDINANCES FOR FIRST READING:

- 4.A COMPREHENSIVE PLAN AMENDMENT** – The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN'S ADOPTED COMPREHENSIVE PLAN TO CREATE A NEW FUTURE LAND USE CATEGORY ENTITLED "COMMUNITY FACILITIES"; PROVIDING FOR HEIGHT AND AREA REGULATIONS FOR THIS NEW FUTURE LAND USE CATEGORY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND ALL OTHER UNITS OF LOCAL GOVERNMENT OR GOVERNMENTAL AGENCIES REQUIRED BY LAW; PROVIDING FOR ADOPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance as read. Commissioner Calderon seconded the motion. On a roll call vote, the motion carried unanimously.

4.B FLOOD PLAIN ORDINANCE – The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 42, "FLOODS," ARTICLE II, SECTIONS 42.26 THROUGH 42.62; AMENDING AND REPLACING THE TOWN'S CURRENT FLOODPLAIN MANAGEMENT STANDARDS TO COMPLY WITH THE NEW FLOOD INSURANCE RATE MAP AND FLOOD INSURANCE STUDY ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; PROVIDING FOR SEVERABILITY AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Imberman moved to adopt the Ordinance as read. Commissioner Levine seconded the motion. On a roll call vote, the motion carried unanimously.

4.C PENSION PLAN AMENDMENTS – The Town Clerk read the Ordinance by title as follows:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION," SECTION 2-182 "VESTED RIGHTS; EFFECT OF SALARY PAYMENTS, DEDUCTIONS FOR PLAN" OF THE CODE OF THE TOWN OF SURFSIDE TO PROVIDE FOR A FIVE-YEAR VESTING PERIOD FOR SWORN POLICE OFFICERS; AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE V "EMPLOYEE BENEFITS," DIVISION 2 "PENSION PLAN," SECTION 2-176 "SERVICE RETIREMENT ALLOWANCE" BY CREATING A NEW SUB-PARAGRAPH (A)(3) TO PROVIDE FOR NORMAL RETIREMENT FOR THE TOWN MANAGER UPON ATTAINMENT OF AGE 62 WITH 7 YEARS OF CREDITED SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS;

PROVIDING AN EFFECTIVE DATE

Commissioner Imberman moved to adopt the Ordinance as read. Commissioner Levine seconded the motion. On a roll call vote, the motion carried unanimously.

5. GOOD AND WELFARE:

- 6. RESOLUTIONS:** The following Resolutions were adopted in tandem on a motion to approve by Commissioner Imberman seconded by Commissioner Levine.

6.A COMPUTER HARDWARE/DELL LEASE AGREEMENT

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING DELL FINANCIAL SERVICES LEASE PROPOSAL FOR THE LEASE OF CERTAIN COMPUTER EQUIPMENT IN THE AMOUNT OF FIFTY-THREE THOUSAND TWO HUNDRED AND FORTY-FOUR DOLLARS (\$53,244) OVER A THREE YEAR PERIOD; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE GENERAL, TOURIST, LIBRARY, WATER AND SEWER AND SOLID WASTE FUNDS; PROVIDING FOR IMPLEMENTATION OF LEASE AGREEMENT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE.

6.B PROPOSED TOWN-WIDE SOFTWARE UPGRADE

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING PROPOSAL B FOR THE SUNGARD NAVILINE 5.0 – ASP MODEL OPTION FOR A PERIOD OF THREE YEARS; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE GENERAL, TOURIST, LIBRARY, WATER AND SEWER AND SOLID WASTE FUNDS; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE.

6.D AWARD OF BID – FINANCIAL ADVISOR

A RESOLUTION OF THE TOWN OF SURFSIDE FLORIDA, FLORIDA AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH PFM GROUP TO PERFORM FINANCIAL ADVISOR SERVICES TO THE TOWN; AUTHORIZING THE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

6.E ACCEPTANCE OF PROPOSAL FROM NEW COMMUNITY STRATEGIES, FOR SOLID WASTE OPERATIONS EVALUATION

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH NEW COMMUNITY STRATEGIES TO PERFORM AN EVALUATION OF THE

TOWN'S SOLID WASTE DISPOSAL SERVICES FOR AN ESTIMATED COST OF \$8900; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE SOLID WASTE FUNDS; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE.

6.F GAS FRANCHISE AGREEMENT

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE TOWN OF SURFSIDE, FLORIDA AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SUCH FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

6.G STORMWATER ELEMENTS

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING NINE STORMWATER ELEMENTS INTO THE TOWN'S STORMWATER MASTER PLAN, PROVIDING FOR AN EFFECTIVE DATE;

The motion to approve items 6A, B, D, E, F & G carried unanimously.

6.C PROPOSED LASER CHECK PRINTING HARDWARE/SOFTWARE –
The Town Clerk read the Resolution by title as follows:

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING ACOM SOLUTIONS PURCHASE AGREEMENT; RE-APPROPRIATING FUND BALANCE (RESERVES) FROM THE GENERAL, TOURIST, LIBRARY, WATER AND SEWER AND SOLID WASTE FUNDS; PROVIDING FOR IMPLEMENTATION OF AGREEMENT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Levine moved to adopt the Resolution. Commissioner Calderon seconded the motion. Discussion ensued regarding how the signature process would work and the safety measures that would be implemented to assure that a check that was not approved by a commissioner does not get mailed. Following said discussion, the question called and the motion failed 0-5 with all Commissioners voting against the motion.

6.H AWARD OF BID – FIRE SERVICE ANALYSIS PROPOSAL – The Town Clerk read the Resolution by title as follows:

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH SYSTEM PLANNING CORPORATION TO PERFORM REVIEW AND EVALUATION OF EMERGENCY SERVICE DELIVERY IN ORDER TO CONSIDER "OPTING OUT" OF MIAMI-DADE FIRE RESCUE TO THE TOWN; AUTHORIZING THE MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE TERMS OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Weinberg moved to adopt the Resolution. Commissioner Levine seconded the motion. Discussion ensued regarding whether or not a study was required. Following discussion, it was determined that when the Commission voted to Opt-Out of the Miami Dade County Fire Board, there was a provision that was included that a study be done prior to entering into any agreement with another entity (i.e.: City of Miami Beach.) There was also lengthy discussion regarding putting a question on the ballot to ascertain the residents' opinion about opting out of the Fire Board.

Subsequent to the discussion, Commissioner Weinberg moved to amend his original motion to include direction to the Town Attorney to draft proposed ballot language for the November Ballot which would ascertain from the electorate whether to stay with the Miami Dade County Fire Board or to go with the City of Miami Beach for the provision of Fire Rescue Services to the Town. Commissioner Levine accepted the amendment.

On a roll call vote, the amended motion carried unanimously.

7. REPORTS:

7.A COMMITTEE/BOARD REPORTS:

7A1 BEAUTIFICATION COMMITTEE – The Town Attorney was directed to draft a Resolution creating the Committee.

7A2 EDUCATION COMMITTEE – Mayor Burkett Appointed Paul Yavis to replace Lea Coto who resigned.

Vice Mayor Imberman announced the Exemplary Students for 2008 were Miami Beach Senior High School Student Ms. Betty Komisarchik and Nautilus Middle School Student Mr. Ricardo Zambrano. He noted that the Commission would be presenting the award to Ms. Komisarchick at the June meeting.

7.B COMMISSIONER'S REPORTS: None

7.C TOWN MANAGER'S REPORT:

7C1 PROPOSED DIRECTOR OF PUBLIC WORKS POSITION – The Town Manager requested approval for the establishment of the Public

Works Director Position in the salary range of \$70,296 and \$105,446. There were no objections.

- 7C2 **PROPOSED WORKSHOP TO ESTABLISH EXPECTATIONS/WORK PROGRAM** – The Town Manager asked that the Commission meet on May 27, 2008 at 7:00 p.m. to discuss mutual expectations and establish a work program. There were no objections and the meeting was scheduled.
- 7C3 **PROJECTS PROGRESS REPORT** – The Town Manager submitted a written progress report (*attached to these fully executed minutes.*) There were no objections to the Report.
- 7C4 **DISASTER RECOVERY/DEBRIS REMOVAL** - The Town Manager announced that he would be putting out an RFP and obtaining proposals for Debris Removal and Monitoring for Disaster Recovery. There were no objections.
- 7C5 **OTHER ITEMS** - Town Manager announced that he will be attending the ICMA Conference May 28 – 31, 2008. There were no objections.

7.D TOWN ATTORNEY'S REPORT

- 7D1 **RETENTION OF LAW FIRM OF SCOTT COLE TO HANDLE DAVIS V. TOWN OF SURFSIDE CASE No. 07-17286-CA-08** - Commissioner Levine moved to approve the retention of the Law firm. Vice Mayor Imberman seconded the motion for discussion. Brief discussion ensued and following same, the motion carried 4-1 with Vice Mayor Imberman dissenting.
- 7D2 **RESOLUTION AMENDING TOWN MANAGER AGREEMENT** – The Town Attorney noted that the Amendment was needed to correct the original agreement with Town Manager Gary Word.

The Town Clerk read the Resolution by title as follows:

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN TOWN MANAGER GARY L. WORD AND THE TOWN OF SURFSIDE; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Imberman moved to adopt the Resolution. Commissioner Levine seconded the motion. On a roll call vote, the motion carried unanimously.

8. DISCUSSION ITEMS:

8.A MAYOR BURKETT

- 8A1 PARKING BLACKTOP, RESTRIPE AND UPGRADES FOR THE 95TH AND ABBOT PARKING LOT** – The Town Manager was directed to effectuate the upgrades. There were no objections.
- 8A2 INTERACTIVE E-MAILS DURING MEETINGS FOR GOOD AND WELFARE** – The Mayor noted that he would be bringing in his laptop in order to receive and respond to e-mails during the good and welfare portion of the Town Commission Meetings. There were no objections.
- 8A3 SIDEWALK CLEANING** – the Mayor asked that the Town Manager be directed to steam clean the sidewalks in the Town. There were no objections.

8.B VICE MAYOR MARC IMBERMAN

- 8B1 BALLOT INITIATIVES** – Vice Mayor Imberman asked Commissioners to bring back issues to be placed on the ballot for discussion. He suggested the May 27, 2008 special Meeting.

8.C COMMISSIONER CALDERON

- 8C1 DESIGN REVIEW BOARD** – Commissioner Calderon reported that the Design Review Board has requested additional power in enforcing the Design Review Guidelines, recommending that they be mandatory.
- 8C2 DOG PARK (89TH & DICKENS)** – the Commissioner requested the area be considered for use as a Dog Park. Following discussion regarding other areas that may be more conducive and discussion regarding the standards and guidelines that would be required. There was additional discussion regarding.
- 8C3 ANNUAL SURFSIDE YARD SALE** – The Commissioner suggested that a day be set aside for a town-wide yard sale. There was no action by the Commission.
- 8C4 COMMUNITY BULLETIN BOARD AT PUBLIX** – The Commissioner suggested that the Town purchase a Bulletin Board to be placed at Publix in order for the public to be able to post notices. There was brief discussion regarding what would be allowed to be posted and what would not be allowed if it were owned by the Town. No official action was taken, however the Town Manager will look into the possibility of purchasing the Board and having Publix maintain it.

9. MAYOR'S ROUNDTABLE: No discussion

10. ADJOURNMENT: The Meeting adjourned on May 14, 2008 at 12:18 a.m.

Accepted this _____ day of _____, 2008

Mayor Charles Burkett

Town Clerk Beatris M. Arguelles, CMC

▪ THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936.

▪ IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

▪ AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov

▪ TWO OR MORE MEMBERS OF OTHER TOWN BOARDS MAY attend AT THIS MEETING.

▪ THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.